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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,543	01/05/2005	Edgar Poellmann	5696.P0003US	9291
23474 7590 11/23/2007 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			EXAMINER MEYER, KATY E	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,543

Applicant(s)

POELLMANN, EDGAR

Examiner

Katy Meyer

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 2, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bobrowicz (US 6,102,428).

As for claim 9, Bobrowicz discloses a sliding board (Fig. 21) comprising an interface element (201) for arranging bindings on an upper side of the sliding board, wherein a cradle (230) is embedded within a foam core (240; also see Fig. 8 and column 5, lines 63 – 65) and the interface element is anchored to said cradle (see column 6, lines 38 – 40). On the interface element disclosed by applicant, only the connecting element parts of the interface element contact the foam core (Fig. 3). Therefore, in as much as the interface element disclosed by applicant is “embedded within a foam core,” so are the connecting element parts of the interface element disclosed by Bobrowicz (see 233, Fig. 21).

As for claim 10, Bobrowicz further discloses a cradle (17, 18, 230) that is completely embedded in an interior of the sliding board (see Figs. 3, 8, 9, and 21). The sliding board further comprises an upper cup (8) and an outsole (6).

As for claim 2, the cradle disclosed by Bobrowicz comprises intersecting supports (see Fig. 8) which have holes (see column 6, lines 39 - 42).

As for claim 3, the cradle disclosed by Bobrowicz comprises locking holes (see column 6, lines 39 - 42), in which are anchored connecting elements (233).

As for claim 5, the connecting elements disclosed by Bobrowicz penetrate through holes (19) in the sliding board upper parts.

Claims 6 – 8 and 9, 2, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Koike (US 3,722,901).

As for claims 6 – 8, Koike discloses a method for the manufacture of a sliding board, where a preformed sliding-board upper part having an upper cup (10, 12) is connected to a sliding-board lower part having an outsole (13), a lower belt (11), and steel edges (8), and foam (4) is introduced, wherein during the assembly of the sliding-board upper and lower parts at least one interface element (6) for arranging and guiding of a binding part is anchored on a cradle or cassette (1) fully encased within a cavity formed by said sliding-board upper and lower parts, foam is subsequently introduced (see column 2, line 65 - column 3, line 2) so that the interface element and the cradle or cassette are connected with one another. The cradle is completely embedded in said foam within said cavity, in as much as the cradle disclosed by applicant is "completely embedded."

Koike further discloses a method wherein the introduced foam forms at least in certain areas the core (4) of the sliding board. Koike further discloses a method wherein foam is distributed through openings or holes (5) provided in the cradle or cassette within the sliding-board body (see column 2, line 65 - column 3, line 2).

As for claim 9, Koike discloses a sliding board (B) comprising an interface element (6) for arranging bindings on an upper side of the sliding board, wherein a cradle (1) is embedded within a foam core (4) and the interface element is anchored to said cradle (see 7). On the interface element disclosed by applicant, only the connecting element parts of the interface element contact the foam core (Fig. 3). Therefore, in as much as the interface element disclosed by applicant is "embedded within a foam core," so are the connecting element parts of the interface element disclosed by Koike (see Fig. 4).

As for claim 2, Koike discloses intersecting supports (2, 3) having holes (5).

As for claim 11, the supports bear on inner surfaces of the upper and lower parts (see Fig. 4).

Claim Rejections - 35 USC § 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrowicz (US 6,102,428) in view of Allman et al. (US 6,641,162).

Bobrowicz meets the limitations of the claimed invention, but does not disclose a clasp connection between the connecting elements and the locking openings. Allman teaches a sliding board comprising a connecting element (16) connected to a cradle (17) via a clasp connection (see Fig. 5). It would have been obvious to one of ordinary

skill in the art at the time the invention was made that the clasp connection taught by Allman et al. is an obvious variation of the screw connection taught by Bobrowicz. A clasp connection would be advantageous in this case, as it does not require special tools, such as a screwdriver that a user is not likely to have while skiing or snowboarding.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is 571-272-5830. The examiner can normally be reached on Monday - Friday, 7:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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